

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 92.21, the Labor Commissioner hereby amends Chapter 32, "Child Labor," Iowa Administrative Code.

Iowa Code section 92.10 requires an employer to maintain on file a work permit for an employee under 16 years of age. As part of the process of obtaining a child labor permit, proof of age must be submitted. The acceptable documents for proof of age are set forth in both Iowa Code section 92.11 and 875—paragraph 32.2(2)"a." 2016 Iowa Acts, House File 2274, added a driver's instruction permit to the list of acceptable documents for proof of age. This amendment removes the list of acceptable documents from paragraph 32.2(2)"a" and replaces it with a reference to the statutory list.

Notice of Intended Action was published in the August 2, 2017, Iowa Administrative Bulletin as **ARC 3220C**. One person filed a comment objecting to the statutory language that requires work permits. This amendment is identical to the amendment published under Notice of Intended Action.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 1.

After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code chapter 92.

This amendment shall become effective on November 1, 2017.

The following amendment is adopted.

Amend paragraph **32.2(2)"a"** as follows:

a. The minor, parent, guardian, or custodian shall obtain ~~one of the following documents~~ evidence as set forth in Iowa Code section 92.11(2) establishing the minor's age:

~~(1) A certified copy of the minor's birth certificate, if it is available.~~

~~(2) If a certified copy of the minor's birth certificate is not available, the minor's passport or a certified copy of the minor's baptismal record.~~

~~(3) If the documents listed in (1) and (2) are not available, one of the following documents shall be used:~~

~~1. A visa issued by the U.S. government.~~

~~2. A resident alien card issued by the U.S. government.~~

~~3. A physician's affidavit certifying the minor's age. A sample physician's affidavit is available at the labor division's Web site.~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/27/17.